



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ethan Edwards, AICP, Associate Planner *LE*
DATE: December 8, 2009

**SUBJECT: CONDITIONAL USE PERMIT NO. 09-017 / ENTITLEMENT PLAN
AMENDMENT NO. 09-005 (AMENDMENT TO CONDITIONAL USE PERMIT
NO. 93-6 – COACH'S RESTAURANT EXPANSION)**

APPLICANT: Jeff Bergsma, Team Design, 221 Main Street 'S', Huntington Beach, CA 92648

BUSINESS

OWNER: Murat Koc, 200 Main Street, Suite No. 105, Huntington Beach, CA 92648

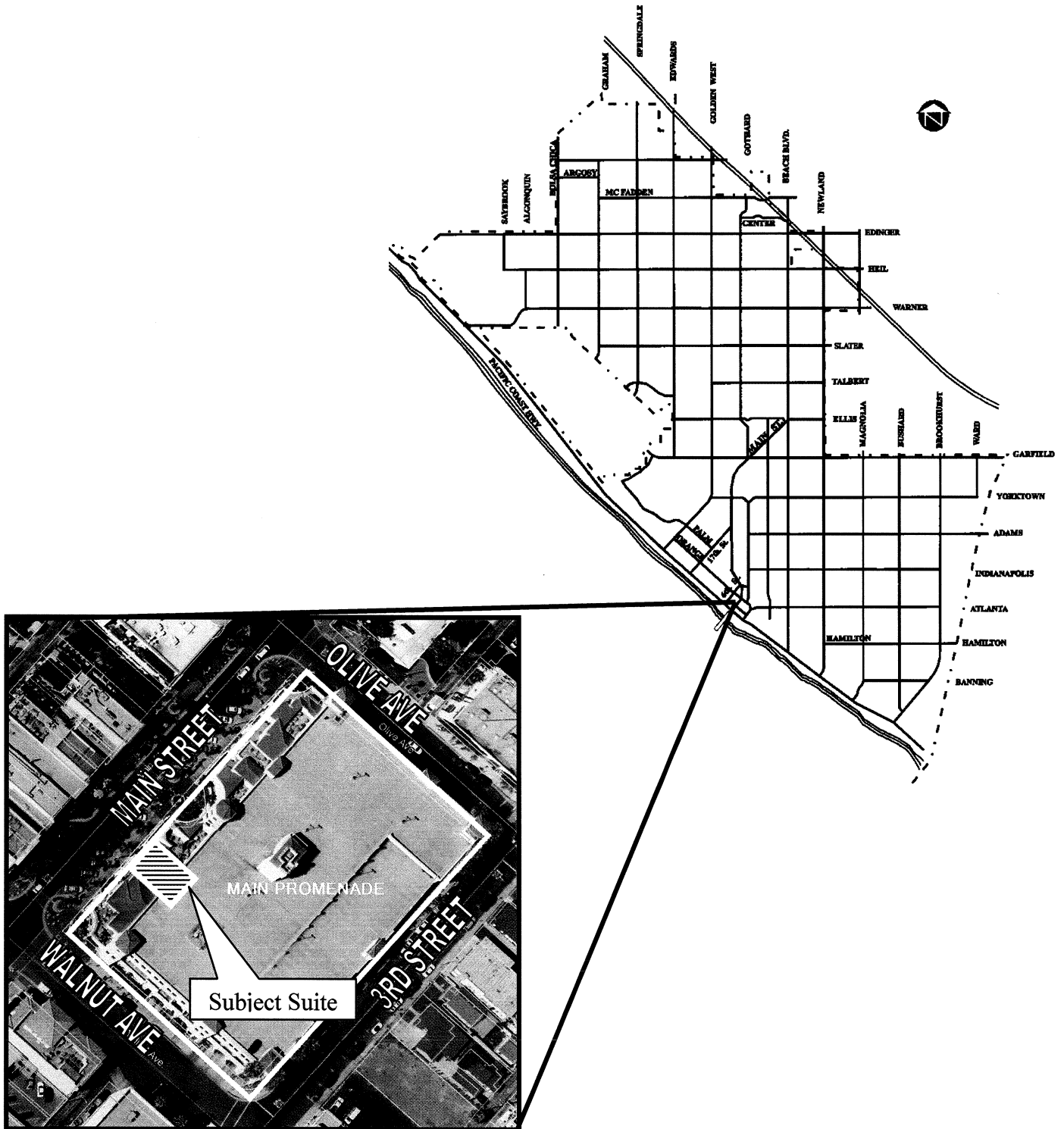
PROPERTY

OWNER: Robert Koury, 200 Main Street, Suite No. 206, Huntington Beach, CA 92648

LOCATION: 200 Main Street, Suite No. 105, 92648 (east side of Main Street, between Olive Avenue and Walnut Avenue – Downtown)

STATEMENT OF ISSUE:

- ♦ Conditional Use Permit No. 09-017 request:
 - Permit approximately 1,000 sq. ft. expansion to an existing 1,930 sq. ft. restaurant.
 - Permit expansion of restaurant with alcohol sales and consumption.
 - Permit participation in the Downtown Parking In-Lieu Fee Program for seven parking spaces at \$17,297.86 per parking space.
 - Permit Live Entertainment & Dancing consisting of belly dancing performances, family/cultural dancing and amplified and non-amplified live music.
 - Permit up to 144 sq. ft. of outdoor dining area with alcohol sales and consumption on private property.
- ♦ Entitlement Plan Amendment No. 09-005 request:
 - To amend Condition of Approval No. 2 to permit extending the existing approved hours of operation.
- ♦ Staff's Recommendation: Approve Conditional Use Permit No. 09-017 and Entitlement Plan Amendment No. 09-005 based upon the following:
 - Addition will be in compliance with the Downtown Specific Plan and Huntington Beach Zoning and Subdivision Ordinance.
 - Restaurant with alcohol sales is consistent with the goals and objectives of the Downtown Specific Plan and will enhance the urban and mixed-use atmosphere of the surrounding retail, restaurant, office, and residential uses.
 - Required parking will be provided by participation in the Downtown Parking In-Lieu Fee Program and no impacts to parking are anticipated.
 - The addition will be in conformance with the goals and policies of the General Plan.



VICINITY MAP

**CONDITIONAL USE PERMIT NO. 09-017; ENTITLEMENT PLAN AMENDMENT NO. 09-005
(200 MAIN STREET, SUITE 105)**

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 09-017 and Entitlement Plan Amendment No. 09-005 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue Conditional Use Permit No. 09-017 and Entitlement Plan Amendment No. 09-005 and direct staff accordingly.”
- B. “Deny Conditional Use Permit No. 09-017 and Entitlement Plan Amendment No. 09-005 with findings for denial.”

PROJECT PROPOSAL:

Conditional Use Permit No. 09-017 represents a request for the following:

- A. To permit a 1,000 square foot expansion to an existing 1,930 square foot restaurant and expand the restaurant use with alcohol sales and consumption within District 5 – Mixed-Use, of the Downtown Specific Plan, pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan.
 - 1. To permit live entertainment consisting of belly dancing performances, family/cultural dancing and amplified and non-amplified live music everyday, pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan.
 - 2. To participate in the Downtown Parking In-Lieu Fee Program for seven parking spaces, pursuant to Section 4.2.13(c) of the Downtown Specific Plan.
- C. To permit up to 144 sq. ft. of outdoor dining area with alcohol on private property, pursuant to Section 4.5.01 (a) – *Permitted uses* of the Downtown Specific Plan.

Entitlement Plan Amendment No. 09-005 represents a request for the following:

- A. To amend Condition of Approval No. 2 of Conditional Use Permit No. 93-6 to extend the approved hours of operation to allow business hours from 10:00 AM and 2:00 AM, everyday, pursuant to Section 241.18 (A) – *Changed Plans* of the Huntington Beach Zoning and Subdivision Ordinance.

The subject suite is located within the Main Street Promenade building, a mixed use development consisting of commercial and parking facilities. The existing restaurant is within Suite No. 105. This proposal includes expanding 1,000 sq. ft. into the adjacent Suite No. 104. Tenant improvements include:

relocation and enlargement of the grill line, dry storage area, full-license bar, banquet room, restrooms, and additional booth-seating. No exterior improvements are proposed.

Live entertainment is proposed within a designated banquet room consisting of amplified and non-amplified music along with belly dancing performances and family/cultural dancing. All dancing will be restricted to a 99 sq. ft. delineated dance floor within the banquet room only. The existing outdoor dining area adjacent to Suite No. 105 will be expanded to include the area adjacent to Suite No. 104 for a new total outdoor dining area of 144 sq. ft. with alcohol sales.

The 1,000 sq. ft. restaurant expansion with a dance floor requires a total of twelve on-site parking spaces. The previous retail use of the area to be occupied is credited with five parking spaces which may be applied towards the restaurant's on-site parking requirement. The remaining seven required parking spaces cannot be provided on-site therefore, the applicant requests participation in the Downtown Parking In-Lieu Fee Program. The applicant would be required to show evidence of a City agreement assuring in-lieu fee participation. The fee per space, which is established by City Council Resolution, shall be paid by the property owner or tenant and may be in a lump sum payment or paid on an annual basis for up to fifteen years and secured by a mechanism established in the conditions of approval. The in-lieu fee amount applicable to this project is \$17,297.86 per parking space. Therefore, \$121,085.02 in-lieu parking fee is required to satisfy the parking requirement for this project ($7 \times \$17,297.86 = \$121,085.02$).

Lastly, the applicant requests to amend the existing approved hours of operation allowing the restaurant including outdoor dining and alcohol service to operate between 10:00 AM and 2:00 AM, everyday. This request would amend Conditional Use Permit No. 93-6 (Attachment No. 6). Also proposed are live entertainment and dancing hours between 10:00 AM and 2:00 AM, everyday. Staff recommends that all live entertainment and dancing shall not begin prior to 10:00 AM and shall cease no later than 1:30 AM or no later than 30 minutes prior to the scheduled closing time. The existing and proposed business operating and live entertainment hours are summarized in the following table:

| Day(s) | Existing Approved Operating Hours | Proposed Operating Hours | Staff's Recommended Operating Hours | Applicant's Proposed Live Entertainment Hours | Staff's Recommended Live Entertainment & Dancing Hours |
|----------------------|--|---|--|--|---|
| Sunday – Thursday | 11:00 a.m. to 10:00 p.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 1:30 a.m. |
| Friday – Saturday | 11:00 a.m. to 12:00 a.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 2:00 a.m. | 10:00 a.m. to 1:30 a.m. |

Background:

The City approved the original Conditional Use Permit No. 88-34, Coastal Development Permit No. 88-27 to permit a 32,073 sq. ft. commercial building integrated with a 5-level parking structure (Main Promenade). In addition, the City approved Conditional Use Permit No. 93-06 on June 1, 1993 to permit beer & wine within Suite No. 105; Conditional Use Permit No. 96-14/Coastal Development Permit No. 96-10 to permit outdoor dining on public & private property; and, Conditional Use Permit No. 00-21 to permit alcohol within the outdoor dining area.

The restaurant was originally issued an Entertainment Permit in 2001 to allow amplified and non-amplified music, a maximum of two musicians and one Belly Dancer; and, has been renewed annually

since original issuance. Activities approved by this permit are classified as Live Entertainment uses which requires approval of a Conditional Use Permit. During Staff's research, it was found that a Conditional Use Permit for Live Entertainment was never applied for nor approved for this location. Consequently, the applicant agrees with this discovery and has requested that Live Entertainment be included in this application to allow for the necessary review of this use in an effort to remedy this discrepancy.

This request was originally scheduled for Planning Commission review on September 9, 2009. At that time the applicant requested a continuance to a date uncertain to revise the request to further expand the restaurant and outdoor dining area by fully occupying the adjacent Suite No. 104. This would allow a banquet room with a dance floor, greater occupancy, a larger bar area, and additional seating.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|---|--|---|----------------------------------|
| Subject Property: | MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay) | SP-5 (Downtown Specific Plan District 5/Coastal Zone) | Commercial Uses/Parking Facility |
| North of Subject Property (across Olive Avenue): | MV-F6/25-sp-pd | SP-5 | Post Office/Commercial |
| East of Subject Property (across 3 rd Street): | MV-F6/25-sp-pd | SP-5 | Commercial/Residential |
| South of Subject Property (across Walnut Avenue): | MV-F6/25-sp-pd | SP-5 | Commercial |
| West of Subject Property (across Main Street): | MV-F6/25-sp-pd | SP-5 | Commercial |

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. floor area ratio/25 units/acre – specific plan – Pedestrian Overlay). The proposed project is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion,

(c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed expansion of the existing restaurant is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by providing a larger dining area to accommodate more patrons. This expansion allows for additional employment opportunities and captures visitor and tourist activity within the downtown; and, the increased outdoor dining will further stimulate pedestrian activity along Main Street. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining area is designed to provide the minimum code required eight-foot wide sidewalk to ensure that the area is physically accessible to pedestrians which is consistent with the remainder of the second block of Main Street.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote commercial establishments in the Downtown and will expand the available visitor-serving commercial uses within the Coastal Zone.

LCP / DTSP Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed expansion including outdoor dining area increases the commercial viability of the existing restaurant by allowing for its continued success within the Downtown while expanding its available amenities to its patrons. The expanded outdoor dining will create a more lively pedestrian oriented use and is consistent with the other outdoor dining uses along Main Street. The provision of meeting the parking requirement by participation in the In-Lieu Fee Parking Program will not impact the Downtown Parking Master Plan, Downtown Specific Plan, or coastal resources because it is found to be consistent with the adopted Coastal Element.

Zoning Compliance:

This project is located in the SP5-5-CZ (Downtown Specific Plan – District 5, Mixed Use – Coastal Zone) and complies with the requirements of that zone. The applicant proposes to participate in the City's

Downtown In-Lieu Fee Parking Program to satisfy the code requirement for the additional parking spaces required for the restaurant expansion.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is categorically exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act which states that minor alterations and operation to existing structures are exempt from further environmental review.

Coastal Status:

The proposed project is within a non-appealable portion of the Coastal Zone and is exempt from a coastal development permit since only the conversion of existing retail space to restaurant area is proposed as part of this request. No external changes or increase in the overall building size is proposed.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and supports the proposed project with a Downtown Parking In-Lieu Fee Program agreement.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building & Safety, Fire, Public Works, Economic Development, Community Services, and Planning have reviewed the application and identified applicable code requirements (Attachment No. 4).

The Police Department has expressed minor concerns with expanded outdoor dining area, expanded alcohol consumption and live entertainment resulting in the following suggested conditions of approval which are consistent with the Downtown Image Committee's recommendations to regulate entertainment uses (Attachment No. 5):

These conditions will ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub.

1. All entertainment shall remain within the designated banquet room at all times.
2. Dancing shall only be permitted within a clearly delineated dance floor located within the designated banquet room.
3. The dance floor shall occupy no more than 100 square feet.
4. The banquet room shall always function as a multi-use banquet room with food service and seating for guests during hours of entertainment.

5. Entertainment shall not begin prior to 10:00 AM, shall cease no later than 1:30 AM and no later than 30 minutes prior to the scheduled closing time.
6. No more than three performers, including a maximum of one belly dancer, shall be permitted to perform at any time.
7. For the safety of the belly dancer, the dancer shall not perform for anyone who is obviously intoxicated.
8. All exterior doors and windows shall be closed when entertainment is occurring.
9. Noise from entertainment shall not be audible beyond the area controlled by the occupant at all times.
10. No performer shall have intentional contact with any patrons, employees, or other performers.
11. Tables and chairs shall be provided within the banquet room at all times.
12. There shall not be any cover charge or other considerations for patrons entering the restaurant.
13. The business shall not pay any promoter, or share any profits with any promoter, based upon the restaurants occupancy during times of entertainment.
14. Advertising of dancing activities shall be prohibited.
15. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time.
16. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police & Planning Departments.
17. Entertainment shall only be permitted when the applicant is in possession of a valid Entertainment Permit issued by the Chief of Police or his/her designee.
18. All areas where the sales, service, and consumption of alcoholic beverages are permitted shall be sufficiently illuminated to permit the identification of patrons.
19. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.
20. The business shall not be open to the public or host any private events between the hours of 2:00 AM and 7:00 AM the same day.

The following suggested conditions of approval will be required as part of the outdoor dining area with alcohol:

1. Only establishments that are established as a "Bona fide public eating place", as defined by Section 23038 of Alcoholic Beverage Control Act, shall be permitted to serve alcoholic beverages outdoor in accordance with Section 4.2.33 of the Downtown Specific Plan.
2. Establishments which serve alcoholic beverages outdoors shall provide a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier.
3. Barriers located on private property in accordance with Section 4.2.33 of the Downtown Specific Plan as required for serving alcohol outdoors shall be permanently installed. Barriers located on private property as required for serving alcohol outdoors shall be designed to be removable in the event that is deemed necessary.
4. Restaurant management shall be responsible for running and operating the outdoor dining area.
5. Outdoor dining areas shall be continuously supervised by management or employees of the establishment. Food establishments serving alcoholic beverages shall have a supervisor on site at all times. Behavior that disturbs customers or passerby's will not be tolerated and constitutes a violation of these provisions.

6. No servers shall be permitted to serve any food or beverage item from the outside the barriers as required by Section 4.2.33 of the Downtown Specific Plan.
7. Outdoor dining patios are for sit down and beverage service only; no stand up, walk-up or pick-up service is permitted.
8. No signs shall be placed on or secured to any barrier advertising the serving or availability of alcohol.

In addition, the Police Department has prepared a Conceptual Entertainment Permit which includes additional conditions that will be used to regulate the entertainment use (Attachment No. 7). Planning staff concurs with the Police Department's suggested conditions of approval and Conceptual Entertainment Permit conditions. The applicant has reviewed these conditions and concurs with staff's recommendations.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on November 24, 2009, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of December 1, 2009, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

October 31, 2009

MANDATORY PROCESSING DATE(S):

December 31, 2009

Entitlement Plan Amendment No. 09-005 was filed on June 1, 2009 and deemed complete June 30, 2009. Conditional Use Permit No. 09-017 was filed on July 29, 2009 including a 30-day extension to the mandatory processing time to allow for the inclusion of the live entertainment request. On September 9, 2009 the Planning Commission continued the application to a date uncertain at the applicant's request. On October 1, 2009 the applicant submitted new plans proposing to further expand the restaurant and outdoor dining by fully occupying the adjacent suite allowing for a banquet room with dance floor, greater occupancy, and a larger bar area. Because of this substantial change, the applicant has acknowledged that this project is subject to new processing timelines. The revised application was deemed complete on October 31, 2009 and presented at the November 24th, 2009 Planning Commission Study Session.

ANALYSIS:

Land use / Compatibility

Staff supports the proposed requests based on the stated purpose of District #5 Mixed-Use; Commercial/Office/Residential of the Downtown Specific Plan, which is to create a more urban atmosphere with the Main Street-pier axis as an active, vital and interesting pedestrian way, intersecting with and complementing the visitor-serving commercial area on Pacific Coast Highway and the pier area. This district is a prime mixed-use location within the Downtown and provides visitors and residents with numerous opportunities for visitor-serving as well as year round commercial uses. The restaurant addition with alcohol sales and consumption and outdoor dining will promote the commercial viability along Main

Street. The proposed use also enhances and supports the district as well as the other commercial establishments in this high intensity urban part of Downtown.

Staff has determined that the proposed restaurant expansion with alcohol sales and outdoor dining will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to hours of operation to assure that any potential impacts to the surrounding properties are minimized. The expanded outdoor dining area will be located within private property and is primarily intended to enhance the dining experience for patrons and will not negatively impact adjacent properties. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed restaurant expansion with outdoor dining will not result in increased parking, safety, or noise issues, above that expected in a typical mixed-use environment. In general, the proposed entitlements are consistent with scope and intent of the development in the downtown and supported by the General Plan and the Downtown Specific Plan including the Downtown Parking Master Plan.

Live Entertainment

The restaurant was originally issued an Entertainment Permit in 2001 to allow amplified and non-amplified music, a maximum of two musicians and one belly dancer, and has been renewed annually since original issuance. Activities approved by this permit are classified as Live Entertainment uses which requires approval of a Conditional Use Permit. During Staff's research, it was found that a Conditional Use Permit for Live Entertainment was never applied for nor approved for this location. Code Enforcement and the Police Department have been consulted regarding this discrepancy and have both indicated that this use has been in effect without complaints or any negative activity. Consequently, the applicant has amended the original request to include Live Entertainment and Dancing. In working with the Police Department, the applicant agreed that all entertainment and dancing will be within a designated banquet room and may consist of amplified and non-amplified music along with belly dancing performances and family/cultural dancing. All dancing will be restricted to a 99 sq. ft. delineated dance floor within the banquet room only. In addition, the Police Department is suggesting several conditions of approval to ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub.

Outdoor Dining

The existing outdoor dining area adjacent to Suite No. 105 will be expanded to include the area adjacent to Suite No. 104 for a new total outdoor dining area of 144 sq. ft. All existing and new outdoor dining areas will be on private property and not impact public right-of-ways; and it is not in close proximity to and will not impact residential uses. The location of the expanded outdoor dining area is oriented toward Main Street and will further stimulate pedestrian activity and visitor-serving commercial uses along this corridor. In addition, the Police Department is suggesting several conditions of approval to ensure public safety and minimize alcohol related disturbances within the downtown business district and adjoining neighborhoods.

Parking

The applicant is requesting to participate in the In-Lieu Parking Fee Program for seven parking spaces pursuant to Section 4.2.13(c) of the Downtown Specific Plan. The in-lieu fee amount applicable to this

project is \$17,297.86 per parking space. Therefore, \$121,085.02 in-lieu parking fee is required to satisfy the parking requirement for this project ($7 \times \$17,297.86 = \$121,085.02$). The in-lieu fee payment will be combined with previously collected fees for future parking opportunities within the Downtown. An In-lieu Parking Fee Participation Agreement is required to be submitted. The agreements shall be reviewed and approved by the Planning Department and City Attorney as to form and content and recorded with the County of Orange. A lump sum payment or first installment payment of the in-lieu fees shall be required to be paid prior to issuance of Certificate of Occupancy or Final building Permit inspection, whichever occurs first.

The Downtown Parking Master Plan (DPMP) identifies specific development thresholds for the subject property. The proposed 1,000 square foot shift in square footage from retail area to restaurant is consistent with the future development potential identified for the building in the DPMP. The proposed shift will decrease retail square footage and increase the restaurant square footage.

Staff is in support of the request for participation in the Downtown Parking In-Lieu Fee Program based on consistency with the DPMP and the request necessary since there are no other parking opportunities on-site and the program allows continued business expansion and retention in the Downtown. With the suggested conditions of approval, the proposed restaurant expansion with live entertainment will not result in increased parking or safety issues, above that expected in a typical commercial environment.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP 09-017, EPA 09-005
2. Project Narrative dated & received November 4, 2009
3. Site, Demolition, & Floor Plan dated & received October 1, 2009
4. Code Requirements Letter dated October 28, 2009 (for informational purposes only)
5. Police Department Suggested Conditions of Approval received October 14, 2009 & December 1, 2009
6. Conditional Use Permit No. 93-6 approved June 1, 1993 (CUP to be amended)
7. Conceptual Entertainment Permit received November 10, 2009
8. Draft Downtown Parking In-Lieu Fee agreement

SH:HF:EE:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 09-017 / ENTITLEMENT PLAN AMENDMENT NO. 09-005

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 09-017 / ENTITLEMENT PLAN AMENDMENT NO. 09-005:

1. Conditional Use Permit No. 09-017 to permit an approximately 1,000 sq. ft. expansion of an existing restaurant with alcohol sales by occupying the adjacent existing retail suite within District 5 – Mixed-Use, of the Downtown Specific Plan; to participate in the Downtown Parking In-Lieu Fee Program for seven parking spaces; to permit up to 144 sq. ft. of outdoor dining area; to permit live entertainment consisting of amplified and non-amplified music and belly dancing performances, family/cultural dancing; and, to extend the hours of operation until 2:00 AM everyday will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project complies with parking requirements in the downtown via participation in the Parking In-Lieu Fee Program. In addition, the project is consistent with the future development potential identified for the subject building in the Downtown Parking Master Plan; and, live entertainment and extended hours of operation will enhance the use and provide enjoyment for patrons of the restaurant.
2. The proposed restaurant expansion with alcohol sales, live entertainment, and outdoor dining will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service, live entertainment, and hours of operation to assure that any potential impacts to the surrounding properties are minimized. Live entertainment will be located within the restaurant and is primarily intended to enhance the dining experience for patrons and will not negatively impact adjacent properties. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The proposed expansion will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion that includes additional floor area to the existing

building as part of this request and the use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Vertical on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed expansion of the existing restaurant is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by providing a larger dining area to accommodate more patrons. This expansion allows for additional employment opportunities and captures visitor and tourist activity within the downtown; and, the increased outdoor dining will further stimulate pedestrian activity along Main Street. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining area is designed to provide the minimum code required eight-foot wide sidewalk to ensure that the area is physically accessible to pedestrians which is consistent with the remainder of the second block of Main Street.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote commercial establishments in the Downtown and will expand the available visitor-serving commercial uses within the Coastal Zone.

LCP / DTSP Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed expansion including outdoor dining area increases the commercial viability of the existing restaurant by allowing for its continued success within the Downtown while expanding its available amenities to its patrons. The expanded outdoor dining will create a more lively pedestrian oriented use and is consistent with the other outdoor dining uses along Main Street. The provision of meeting the parking requirement by participation in the In-Lieu Fee Parking Program will not impact the Downtown Parking Master Plan, Downtown Specific Plan, or coastal resources because it is found to be consistent with the adopted Coastal Element.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 09-017 /
ENTITLEMENT PLAN AMENDMENT NO. 09-005:**

1. The site plan, floor plans, and elevations received and dated October 1, 2009 shall be the conceptually approved design.
2. The final building permit(s) cannot be approved until the property owner has submitted an In-Lieu Parking Fee Participation Agreement to the Planning Department for the \$121,085.02 total in parking fees. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - a. The property owner shall be responsible to make the lump sum payment, first installment payment, and any subsequent installment payment. Initial payment shall be made prior to issuance of Certificate of Occupancy or Final Building Permit inspection. Subsequent installment payments shall be received prior to the anniversary date of the initial payment.
3. The live entertainment and dancing use shall comply with the following:
 - a. All entertainment shall remain within the designated banquet room at all times. **(PD)**
 - b. Dancing shall only be permitted within a clearly delineated dance floor located within the designated banquet room. **(PD)**
 - c. The dance floor shall occupy no more than 100 square feet. **(PD)**
 - d. The banquet room shall always function as a multi-use banquet room with food service and seating for guests during hours of entertainment. **(PD)**
 - e. Entertainment shall not begin prior to 10:00 AM, shall cease no later than 1:30 AM and no later than 30 minutes prior to the scheduled closing time. **(PD)**
 - f. No more than three performers, including a maximum of one belly dancer, shall be permitted to perform at any time. **(PD)**

- g. For the safety of the belly dancer, the dancer shall not perform for anyone who is obviously intoxicated. **(PD)**
- h. All exterior doors and windows shall be closed when entertainment is occurring. **(PD)**
- i. Noise from entertainment shall not be audible beyond the area controlled by the occupant at all times. **(PD)**
- j. No performer shall have intentional contact with any patrons, employees, or other performers. **(PD)**
- k. Tables and chairs shall be provided within the banquet room at all times. **(PD)**
- l. There shall not be any cover charge or other considerations for patrons entering the restaurant.
- m. The business shall not pay any promoter, or share any profits with any promoter, based upon the restaurants occupancy during times of entertainment. **(PD)**
- n. Advertising of dancing activities shall be prohibited. **(PD)**
- o. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time. **(PD)**
- p. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police & Planning Departments. **(PD)**
- q. Entertainment shall only be permitted when the applicant is in possession of a valid Entertainment Permit issued by the Chief of Police or his/her designee. **(PD)**
- r. All areas where the sales, service, and consumption of alcoholic beverages are permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
- s. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages. **(PD)**
- t. The business shall not be open to the public or host any private events between the hours of 2:00 AM and 7:00 AM the same day. **(PD)**

4. The outdoor dining shall comply with the following:

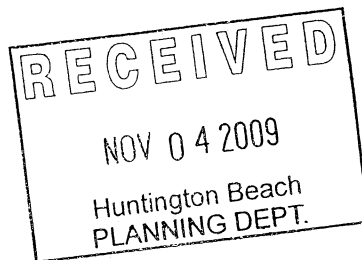
- a. Only establishments that are established as a “Bona fide public eating place”, as defined by Section 23038 of Alcoholic Beverage Control Act, shall be permitted to serve alcoholic beverages outdoor in accordance with Section 4.2.33 of the Downtown Specific Plan. **(PD)**
- b. Establishments which serve alcoholic beverages outdoors shall provide a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
- c. Barriers located on private property in accordance with Section 4.2.33 of the Downtown Specific Plan as required for serving alcohol outdoors shall be permanently installed. Barriers located on private property as required for serving alcohol outdoors shall be designed to be removable in the event that is deemed necessary. **(PD)**
- d. Restaurant management shall be responsible for running and operating the outdoor dining area. **(PD)**
- e. Outdoor dining areas shall be continuously supervised by management or employees of the establishment. Food establishments serving alcoholic beverages shall have a supervisor on site at all times. Behavior that disturbs customers or passerby’s will not be tolerated and constitutes a violation of these provisions. **(PD)**
- f. No servers shall be permitted to serve any food or beverage item from the outside the barriers as required by Section 4.2.33 of the Downtown Specific Plan. **(PD)**

- g. Outdoor dining patios are for sit down and beverage service only; no stand up, walk-up or pick-up service is permitted. **(PD)**
 - h. No signs shall be placed on or secured to any barrier advertising the serving or availability of alcohol. **(PD)**
5. The hours of operation for the restaurant including outdoor dining shall be between 10:00 AM and 2:00 AM everyday.
6. A review of the use shall be conducted by Staff approximately six (6) months after final occupancy permit to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Huntington Beach Municipal Code (HBMC). If the six (6) month review determines any violations of the conditions of approval or any applicable Chapters of the HBZSO or HBMC, the Planning Commission may consider modifications to the conditions of approval or schedule for a revocation hearing. At that time the Planning Commission may revoke any land use permits or consider modifications to the conditions of approval.
7. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Coach's Mediterranean Grill
200 Main Street
Suite 105
Huntington Beach, CA 92648



November 4, 2009

Narrative for Entitlement Plan Amendment (Expansion and Dancing)

Coach's Mediterranean Grille is an existing 1930 s.f. restaurant (C.U.P. 93-6) with outdoor dining (72 s.f. C.U.P. 00-21) and has full alcohol and entertainment permits.

The scope of proposed work is to convert 1000 s.f. of adjacent retail space into an expansion of the existing restaurant and add 72 s.f. of outdoor dining (144 s.f. total); relocate the grille line, relocate dry storage, relocate and enlarge the restrooms; and add dancing to the existing entertainment permit.

The restaurant is open at 10:00 a.m. every day and closes at 2:00 a.m. on weekdays and weekends. There are 6 to 8 employees working at any given time.

The reason for initiating this E.P.A. application is for change of use from retail to restaurant and modify entertainment permit. We request participation in the In-Lieu Parking Program to satisfy parking requirements.

Coach's has an Entertainment Permit (Issued 5/22/08) which allows for belly dancing and music with conditions. We request that belly dancing be retained with family / cultural / ethnic type dancing within a 99 s.f. dancing area in the Banquet Room. Dancing in the Banquet Room is reserved for parties and special occasions. We request to keep maximum of (2) musicians and/or amplified music with restrictions per Sound Ordinance. The hours of entertainment to be adjusted to the hours of operation listed above. We agree to a condition for yearly review of C.U.P. to verify dancing parameter conformance.

The expansion will require ~~6~~⁷ parking spaces to be provided in-lieu. Applicant and Property Owner have worked with Redevelopment to set terms of payment in the in-lieu fee program.

The surrounding uses are retail stores and food service.

The population serviced by the proposed project is both visitor serving and neighborhood serving.

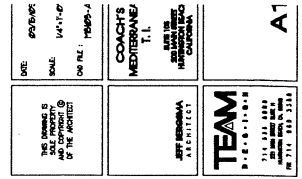
Huntington Beach
PLANNING DEPT.

COACH'S MEDITERRANEAN RESTAURANT TENANT IMPROVEMENT

SUITE 105 200 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA

[illegible]

**Huntington Beach
PLANNING DEPT.**

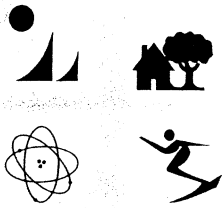


ATTACHMENT NO. 3.2

Huntington Beach
PLANNING DEPT.



| | | |
|--|---|--|
| <p>DATE 02/26/86</p> <p>SOURCE 1/4-1-87</p> <p>OWN FILE 15899-A</p> | <p>COACH'S</p> <p>MEDICINE/</p> <p>T.L.</p> <p>MAN IN</p> <p>INVESTIGATES</p> <p>CRIMINAL</p> | <p>A2</p> |
| <p>THE DRAWING IS AND COMPRISES © OF THE ARCHITECT</p> | <p>JEFF MEDINA</p> <p>ATTORNEY</p> | <p>TEAM</p> <p>714 434 8880</p> <p>714 434 8881</p> <p>714 434 8882</p> <p>714 434 8883</p> |



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

October 28, 2009

Jeff Bergsma
Team Design
221 Main Street 'S'
Huntington Beach, CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 2009-017 / ENTITLEMENT PLAN
AMENDMENT NO. 2009-005 (200 MAIN STREET, SUITE 105) - PROJECT
IMPLEMENTATION CODE REQUIREMENTS & CONDITIONS OF APPROVAL**

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at ethan.edwards@surfcity-hb.org or 714-536-5561 and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
Associate Planner

Enclosure(s)

xc:

Jason Kwak, Building and Safety Department – 714-536-5278
Brian Smith, Police Department – 714-536-5994
Darin Maresh, Fire Department – 714-536-5564
Simone Slifman, Econ. Dev. Department – 714-536-5186
Josh McDonald, Public Works – 714-536-5561
David Dominguez, Community Services – 714-536-5309
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Property Owner
Project File

ATTACHMENT NO. 4.1



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CONDITIONS OF APPROVAL

DATE: OCTOBER 14, 2009
PROJECT NAME: COACH'S RESTAURANT EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-005
DATE OF PLANS: SEPTEMBER 17, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITE 105, HUNTINGTON BEACH (APN: 937-192-33)
PLAN REVIEWER: DETECTIVE BRIAN J. SMITH #1168
TELEPHONE/E-MAIL: (714) 536-5994 / BJSmith@HBPD.Org

PROJECT DESCRIPTION: EPA: To permit approximately 1000 sq. ft. expansion of an existing restaurant by occupying the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for 7 parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area; and 2 parking spaces for the dance floor). The proposal also includes modifying the operation to permit an interior remodel to accommodate additional occupancy, additional outdoor dining area, and a larger bar.

A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant operating with a Type-47 (On Sale Eating Place) Department of Alcoholic Beverage Control license.

After reviewing the narrative for the proposed modification to Coach's Mediterranean Grill, the Police Department proposes the following conditions to permit the specific entertainment proposed by the applicant. These conditions will assist in maintaining an environment which prevents increased noise and alcohol related disturbances within the downtown business district and adjoining residential neighborhoods.

These conditions will also ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub.

1. All entertainment shall remain within the designated banquet room at all times.

ATTACHMENT NO. 4.2

2. Dancing shall only be permitted within a clearly delineated dance floor located within the designated banquet room.
3. The dance floor shall occupy no more than 100 square feet.
4. The banquet room shall always function as a multi-use banquet room with food service and seating for guests during hours of entertainment.
5. Entertainment shall not begin prior to 10:00 AM, shall cease no later than 1:30 AM and no later than 30 minutes prior to the scheduled closing time.
6. No more than three performers, including a maximum of one belly dancer, shall be permitted to perform at any time.
7. For the safety of the belly dancer, the dancer shall not perform for anyone who is obviously intoxicated.
8. All exterior doors and windows shall be closed when entertainment is occurring.
9. Noise from entertainment shall not be audible beyond the area controlled by the occupant at all times.
10. No performer shall have intentional contact with any patrons, employees, or other performers.
11. Tables and chairs shall be provided within the banquet room at all times.
12. There shall not be any cover charge or other considerations for patrons entering the restaurant.
13. The business shall not pay any promoter, or share any profits with any promoter, based upon the restaurants occupancy during times of entertainment.
14. Advertising of dancing activities shall be prohibited.
15. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time.
16. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police & Planning Departments.
17. Entertainment shall only be permitted when the applicant is in possession of a valid Entertainment Permit issued by the Chief of Police or his/her designee.
18. All areas where the sales, service, and consumption of alcoholic beverages are permitted shall be sufficiently illuminated to permit the identification of patrons.
19. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.
20. The business shall not be open to the public or host any private events between the hours of 2:00 AM and 7:00 AM the same day.



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: OCTOBER 14, 2009

PROJECT NAME: COACH'S MEDITERRRANEAN GRILL EXPANSION

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 2009-154

ENTITLEMENTS: ENTITLEMENT PLAN AMENDMENT 09-005

DATE OF PLANS: SEPTEMBER 17, 2009

PROJECT LOCATION: 200 MAIN STREET, #105, HUNTINGTON BEACH

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

PLAN REVIEWER: SIMONE SLIFMAN

TELEPHONE/E-MAIL: (714) 536-5186 / simone.slifman@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT APPROX. 1000 SQ. FT EXPANSION OF THE EXISTING RESTAURANT BY OCCUPYING A PORTION OF THE EXISTING RETAIL SUITE.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The Economic Development Department has reviewed the proposed project and has the following comments/concerns:

The project will require seven (7) additional parking in-lieu spaces, for which an agreement is currently being negotiated with the property owner. The Department has no further comments at this time.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: OCTOBER 12, 2009

PROJECT NAME: COACH'S MEDITERRANEAN GRILL

ENTITLEMENTS: EPA 09-05

PLNG APPLICATION NO: 2009-0154

DATE OF PLANS: OCTOBER 1, 2009

PROJECT LOCATION: 200 MAIN STREET, SUITES 105

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT

TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT APPROXIMATELY 1000 SQ. FT. EXPANSION OF AN EXISTING RESTAURANT BY OCCUPYING THE ADJACENT EXISTING RETAIL SUITE. THE RETAIL TO RESTAURANT EXPANSION WILL REQUIRE PARTICIPATION IN THE PARKING IN-LIEU FEE PROGRAM RESULTING IN PAYMENT FOR 7 PARKING SPACES (10 SPACES REQUIRED FOR NEW RESTAURANT AREA, 5 SPACE CREDIT FOR EXISTING RETAIL AREA; AND 2 PARKING SPACES FOR THE DANCE FLOOR). THE PROPOSAL ALSO INCLUDES MODIFYING THE OPERATION TO PERMIT: AN INTERIOR REMODEL TO ACCOMMODATE ADDITIONAL OCCUPANCY, ADDITIONAL OUTDOOR DINING AREA; AND, A LARGER BAR.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A BUILDING PERMIT:**

1. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and are in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service, meter, and backflow protection device shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inches in size. (ZSO 230.84)
2. When fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed with a backflow protection device that conforms to the current Water Division Standards. (ZSO 230.84)
3. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$163 per net new added daily trip is adjusted annually. This project is forecast to generate 41 new daily trips for a total traffic impact fee of \$6,683.00. The rate is subject to an annual adjustment on December 1st. (MC 17.65)



HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: July 29, 2009

PROJECT NAME: COACH'S RESTAURANT EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154

ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-005

DATE OF PLANS: JUNE 1, 2009

PROJECT LOCATION: 200 MAIN STREET, SUITE 105, HUNTINGTON BEACH (APN: 937-192-33)

PLAN REVIEWER: ETHAN EDWARDS

TELEPHONE/E-MAIL: 714.536.5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PROJECT DESCRIPTION: EPA: To permit approximately 400 sq. ft. expansion of an existing restaurant by occupying a portion of the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for two parking spaces (4 spaces required for new restaurant area, 2 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; and, a new bar.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ENTITLEMENT PLAN AMENDEMNT NO. 2009-005:

1. The floor plans approved by the Planning Commission shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

ATTACHMENT NO. 4.7

- b. The property owner shall submit an In-Lieu Parking Fee Participation Agreement to the Planning Department. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(City Council Resolution Nos. 6720 and 6721)**
3. Prior to issuance of building permits, the following shall be completed:
 - a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 4. During construction, the following shall be adhered to:
 - a. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
 5. The final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full payment or first installment payment to the City Treasurer shall be submitted to the Planning Department.
 - e. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
 6. The use shall comply with the following:
 - a. All work shall be conducted wholly within the building except as otherwise approved.
 - b. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - c. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
 - d. Only the uses described in the narrative shall be permitted (See attached Narrative).

7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
8. This approval shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
9. This approval shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
10. The Planning Commission reserves the right to revoke EPA 2009-005 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
11. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
12. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements.
13. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
14. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning.



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: JULY 9, 2009

PROJECT NAME: COACH'S RESTAURANT EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154

ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-005

DATE OF PLANS: JUNE 1, 2009

PROJECT LOCATION: 200 MAIN STREET, SUITE 105, HUNTINGTON BEACH (APN: 937-192-33)

PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER

TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org

PROJECT DESCRIPTION: **EPA:** To permit approximately 400 sq. ft. expansion of an existing restaurant by occupying a portion of the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for two parking spaces (4 spaces required for new restaurant area, 2 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; and, a new bar.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2007 California Building Code (CBC), 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Due to the change of occupancy group from M (retail) to A (assembly) in the addition area, provide building analysis to verify the existing building's floor area is within the CBC allowable area limitations for mixed use buildings.

ATTACHMENT NO. 4.10

3. Please note that a fire rated occupancy separation is required between the proposed area to be converted to an A occupancy area and the existing adjacent retail area (M occupancy) per Table 508.3.3.

PLANNING DEPARTMENT DEVELOPMENT REVIEW REQUEST

TO: Steve Bogart, Public Works
Eric Haghani, Building
Chief Ken Small, Police

Darrin Maresh, Fire
Kellee Fritzall, Economic Development
David Dominguez, Community Services

FROM: Ethan Edwards Ext: 5561

DATE: JUNE 22, 2009

☒ PC ☐ ZA ☐ DRB ☐ STAFF

PETITION(S): Planning Application No. 09-154: Entitlement Plan Amendment No. 09-005,

REQUEST(S): EPA: To permit approximately 400 sq. ft. expansion of an existing restaurant by occupying a portion of the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for two parking spaces (4 spaces required for new restaurant area, 2 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; and, a new bar.

LOCATION: 200 Main Street, Suites 105, Huntington Beach (APN: 937-192-33)

ZONE: Downtown Specific Plan (SP5 (district 3)-CZ)

GENERAL PLAN: Mixed Use Vertical (MV-F6/25-sp-pd)

EXISTING USE: Commercial (existing restaurant & retail store)

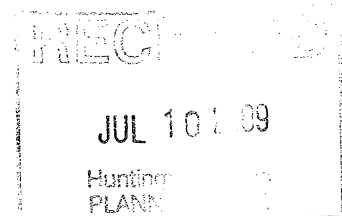
Please submit your concerns and recommended changes or conditions in writing on or before **July 10, 2009**.

COMMENTS: (Use attachments or back side of sheet if necessary)

COMMUNITY SERVICES HAS NO CONCERNS WITH THE PROPOSED PROJECT OTHER THAN APPROPRIATE PARK FEES BE APPLIED PER 230.20 OF THE ZONING CODE

RESPONSE BY: DAVID DOMINGUEZ Extension 5309

Attachments: 1. Plans 2. Narrative



ATTACHMENT NO. 4.12



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CONDITIONS OF APPROVAL

DATE: OCTOBER 14, 2009
PROJECT NAME: COACH'S RESTAURANT EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-005
DATE OF PLANS: SEPTEMBER 17, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITE 105, HUNTINGTON BEACH (APN: 937-192-33)
PLAN REVIEWER: DETECTIVE BRIAN J. SMITH #1168
TELEPHONE/E-MAIL: (714) 536-5994 / BJSmith@HBPD.Org

PROJECT DESCRIPTION: EPA: To permit approximately 1000 sq. ft. expansion of an existing restaurant by occupying the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for 7 parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area; and 2 parking spaces for the dance floor). The proposal also includes modifying the operation to permit an interior remodel to accommodate additional occupancy, additional outdoor dining area, and a larger bar.

A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant operating with a Type-47 (On Sale Eating Place) Department of Alcoholic Beverage Control license.

After reviewing the narrative for the proposed modification to Coach's Mediterranean Grill, the Police Department proposes the following conditions to permit the specific entertainment proposed by the applicant. These conditions will assist in maintaining an environment which prevents increased noise and alcohol related disturbances within the downtown business district and adjoining residential neighborhoods.

These conditions will also ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub.

1. All entertainment shall remain within the designated banquet room at all times.

ATTACHMENT NO. 6.1

2. Dancing shall only be permitted within a clearly delineated dance floor located within the designated banquet room.
3. The dance floor shall occupy no more than 100 square feet.
4. The banquet room shall always function as a multi-use banquet room with food service and seating for guests during hours of entertainment.
5. Entertainment shall not begin prior to 10:00 AM, shall cease no later than 1:30 AM and no later than 30 minutes prior to the scheduled closing time.
6. No more than three performers, including a maximum of one belly dancer, shall be permitted to perform at any time.
7. For the safety of the belly dancer, the dancer shall not perform for anyone who is obviously intoxicated.
8. All exterior doors and windows shall be closed when entertainment is occurring.
9. Noise from entertainment shall not be audible beyond the area controlled by the occupant at all times.
10. No performer shall have intentional contact with any patrons, employees, or other performers.
11. Tables and chairs shall be provided within the banquet room at all times.
12. There shall not be any cover charge or other considerations for patrons entering the restaurant.
13. The business shall not pay any promoter, or share any profits with any promoter, based upon the restaurants occupancy during times of entertainment.
14. Advertising of dancing activities shall be prohibited.
15. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time.
16. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police & Planning Departments.
17. Entertainment shall only be permitted when the applicant is in possession of a valid Entertainment Permit issued by the Chief of Police or his/her designee.
18. All areas where the sales, service, and consumption of alcoholic beverages are permitted shall be sufficiently illuminated to permit the identification of patrons.
19. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.
20. The business shall not be open to the public or host any private events between the hours of 2:00 AM and 7:00 AM the same day.



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: DECEMBER 1, 2009
PROJECT NAME: COACH'S RESTAURANT EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-005
DATE OF PLANS: SEPTEMBER 17, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITE 105, HUNTINGTON BEACH (APN: 937-192-33)
PLAN REVIEWER: DETECTIVE ALAN CAOUCETTE #1021
TELEPHONE/E-MAIL: (714) 536-5960 / Alcaouette@HBPD.Org

PROJECT DESCRIPTION: EPA: To permit approximately 1000 sq. ft. expansion of an existing restaurant by occupying the adjacent existing retail suite. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment for 7 parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area; and 2 parking spaces for the dance floor). The proposal also includes modifying the operation to permit an interior remodel to accommodate additional occupancy, additional outdoor dining area, and a larger bar.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

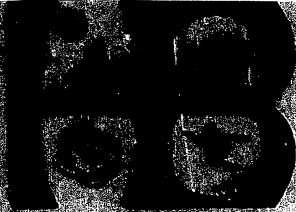
The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant operating with a Type-47 (On Sale Eating Place) Department of Alcoholic Beverage Control license.

After reviewing the proposed modification to Coach's Mediterranean Grill, the Police Department proposes the following conditions to permit alcohol sales in an outside patio. These conditions will assist in maintaining an environment which prevents alcohol related disturbances within the downtown business district and adjoining residential neighborhoods.

These conditions will also ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub and are an addition to the previously dated CUP memo drafted on October 14, 2009.

ATTACHMENT NO. 5.3

1. Only establishments that are established as a "Bona fide public eating place", as defined by Section 23038 of Alcoholic Beverage Control Act, shall be permitted to serve alcoholic beverages outdoor in accordance with Section 4.2.33 of the Downtown Specific Plan.
2. Establishments which serve alcoholic beverages outdoors are required to provide a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier.
3. Barriers located on private property in accordance with Section 4.2.33 of the Downtown Specific Plan as required for serving alcohol outdoors shall be permanently installed. Barriers located on private property as required for serving alcohol outdoors shall be designed to be removable in the event that is deemed necessary.
4. Restaurant management is responsible for running and operating the outdoor dining area.
5. Outdoor dining areas shall be continuously supervised by management or employees of the establishment. Food establishments serving alcoholic beverages must have a supervisor on site at all times. Behavior that disturbs customers or passerby's will not be tolerated and constitutes a violation of these provisions.
6. No servers shall be permitted to serve any food or beverage item from the outside the barriers as required by Section 4.2.33 of the Downtown Specific Plan.
7. Outdoor dining patios are for sit down and beverage service only; no stand up, walk-up or pick-up service is permitted.
8. No signs may be placed on or secured to any barrier advertising the serving or availability of alcohol.



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

June 4, 1993

Tom Lustbaum
TNT Surf Taco
200 Main Street, #105
Huntington Beach, CA 92648

SUBJECT: CONDITIONAL USE PERMIT NO. 93-6

REQUEST: To permit the on-site sale of beer and wine at TNT Surf Taco Restaurant.

LOCATION: 200 Main Street, #105 (Main Promenade)

**DATE OF
APPROVAL:** June 1, 1993

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 93-6:

1. The proposed on-site sale of beer and wine at TNT Surf Taco is in conformance with the City of Huntington Beach General Land Use designation of Mixed Use-Commercial/Office/Residential which permits the sale of alcoholic beverages in conjunction with a standard commercial use (restaurant).
2. The location, site layout, and design of the proposed use adapts the existing structures to streets, driveways, and other adjacent structures and uses in a harmonious manner. The project is located in a primarily commercial area and the proposed use will not adversely impact other surrounding properties.
3. The combination and relationship of one proposed use to another on a site are properly integrated. The other businesses in the same building and in the vicinity are general retail commercial and restaurant uses which are compatible with the proposed use.
4. The access to and parking for the restaurant with the on-site sale of beer and wine does not create an undue traffic problem. No additional parking is required with the addition of alcohol sales as a complement to the existing menu and use.

ATTACHMENT NO. 6.1

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 93-6:

1. The site plan, floor plans, and elevations received and dated March 11, 1993 shall be the conceptually approved layout.
2. The use shall conform to the following:
 - a. The hours of operation shall be limited to the following hours:

| | |
|-------------------|---------------------------|
| Sunday - Thursday | 11:00 AM - 10:00 PM |
| Friday - Saturday | 11:00 AM - 12:00 Midnight |
 - b. The restrooms shall be available for patron's use during business hours.
 - c. The maximum number of seats shall be 12 unless permitted through subsequent entitlement.
3. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control (ABC) Board license, along with any special conditions imposed by ABC, shall be submitted to the Department of Community Development. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
4. The Planning Commission reserves the right to revoke Conditional Use Permit No. 93-6 if any violation of these conditions or the Huntington Beach Ordinance Code occurs.
5. Conditional Use Permit No. 93-6 shall not become effective for any purpose until an "Acceptance of Conditions" form has been signed and notarized by the applicant, and returned to the Planning Division.
6. Conditional Use Permit No. 93-6 shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the Planning Commission pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.